

## ORDINANCE NUMBER 06-10323

**AN ORDINANCE PROVIDING FOR AN AMENDMENT TO CHAPTER 8, ARTICLE III OF THE SALINA CODE PERTAINING TO BUILDING CONTRACTOR AND SKILLED TRADE CONTRACTOR LICENSING AND REPEALING EXISTING SECTIONS.**

**BE IT ORDAINED** by the Governing Body of Salina, Kansas:

**Section 1.** That Article III of Chapter 8 of the Salina Code is hereby amended to read as follows:

### **“ARTICLE III. BUILDING CONTRACTOR AND SKILLED TRADE CONTRACTOR LICENSING**

#### **DIVISION 1. Definitions**

##### **Sec. 8-171. Definitions.**

*Person.* Includes a firm, partnership, association of persons, corporation, limited liability company, organization or any other group acting as a unit, as well as an individual.

*Business Entity.* Those entities included under the definition of “person” other than an individual.

*Individual.* Of or pertaining to a single human being.

*Licensed Building Contractor.* A person to whom a building contractor license has been issued.

*Provisionally Licensed Building Contractor.* A person to whom a provisional building contractor license has been issued.

*General contractor work.* Includes the work of contracting for the completion of an entire project, including purchasing all materials, hiring and paying subcontractors, and coordinating all the work.

*Specialty contractor work.* Includes the work of contracting directly or as a subcontractor to perform work within one of the categories of specialized work recognized by the building industry as requiring distinct skills and an understanding of the building concepts relating to the specific category of work.

*Electrical work.* Includes the installation, replacement, repair or alteration of disconnect, service or control equipment or of permanent premises electrical wiring, lighting, fixtures and/or utilization equipment or devices not otherwise connected by approved attachment cord and cap. Electrical work shall not include circuits and equipment operating at less than 50 volts, communication wiring or devices, or the repair of motors or utilization equipment.

*HVAC mechanical work.* Includes the installation, replacement, repair or alteration of any ventilation or exhaust system, chilled water systems, hydronic, refrigerant, fuel gas or condensate piping, water heaters and boilers for both domestic hot water and space heating, refrigeration systems including electrical disconnecting means immediately adjacent to remote condensers, incinerators or other miscellaneous heat-producing appliances or warm air heating systems whereby heating is accomplished by distributing heated air by forced or gravity circulation or by radiation.

*Mechanical work.* Includes the installation or repair of solid-fuel appliances, cooking or clothes drying equipment, fully self-contained permanent electrical environmental heating and/or cooling appliances, or self-contained appliances or refrigeration equipment such as, but not limited to, ice machines, ice cream machines, walk-in coolers and freezers without remote condensers and other similar appliances which require only electrical and/or water hook-ups.

*Plumbing work.* Includes the installation, replacement, repair or alteration of water, wastewater, vent, hydronic and fuel gas piping, water heaters and boilers for both domestic potable water and environmental heating and their vents, medical gas systems, plumbing fixtures and appliances. Plumbing work shall not include the clearing of stoppages or the repair of plumbing appliances such, as but not limited to dishwashers, garbage disposals, water softeners or ice machines.

*Solid-fuel appliance installations.* Includes the installation of any permanent appliances or constructions used for heating or cooking that rely on the combustion of solid-type fuels such as, but not limited to, wood, coal, corn or pellets. Such installations shall include masonry fireplaces as well as factory built appliances.

**DIVISION 2. Building Contractor License Required**

**Sec. 8-172. Building contractor license required.**

It shall be unlawful for any person to either perform, cause to perform, or obtain permits for the work described in Chart I – Column A unless such person has been issued by the City of Salina the corresponding building contractor license listed in Chart I - Column B or the provisional building contractor license listed in Chart I – Column C, subject to the exemptions set forth in Section 8-177.

**Chart I**  
**Building Contractor Licenses**

<b>Column A – Work</b>	<b>Column B - Licenses</b>	<b>Column C - Provisional License</b>
General & specialty contractor work on any buildings, structures and signs - but not swimming pools, fire alarm & communications systems, or fire sprinkler systems.	Class A - General Contractor	Provisional Class A General Contractor
General & specialty contractor work on any buildings not exceeding 3 stories or structures not exceeding 65 feet in height, nonstructural alterations or repairs to any buildings or structures and signs - but not swimming pools, fire alarm & communications systems, or fire sprinkler systems.	Class B - General Contractor	Provisional Class B General Contractor
General & specialty contractor work on one and two family residences and their accessory structures only and signs - but not swimming pools, fire alarm & communications systems, or fire sprinkler systems.	Class C - General Contractor	Provisional Class C General Contractor
The property owner serving as general contractor on jobs requiring a permit and of a value not in excess of \$99,000, supervising (a) licensed specialty or trades contractors for work requiring a specialty or trade license under this Article; and/or (b) owner's employees or registered tradesman for work not requiring a specialty or trade license under this Article .	Class D - Contractor/Owner	Not Applicable
On-site forming and placing of concrete for building walls, columns and self-supporting floors or roofs and for retaining walls requiring building permits.	Specialty Concrete Contractor	Provisional Specialty Concrete Contractor
Rough framing of structural and non-structural building components such as walls, floors and roofs using wood or metal.	Specialty Framer or Erector Contractor	Provisional Framer or Erector Contractor
Installation, repair and replacement of roof coverings, including roof deck insulation and nonstructural roof decking.	Specialty Roofing Contractor	Provisional Specialty Roofing Contractor
Placement of brick, stone, block and other masonry products for building walls, structural or veneer, and for retaining walls requiring building permits.	Specialty Masonry Contractor	Provisional Specialty Masonry Contractor
Installation, maintenance, alteration and repair of fire sprinkler / suppression systems and related fire protection equipment.	Specialty Fire Sprinkler Contractor	Provisional Specialty Fire Sprinkler Contractor
Installation, maintenance, alteration and repair of fire alarm systems and related fire protection equipment.	Specialty Fire Alarm and Communication Contractor	Provisional Fire Alarm and Communication Contractor
Demolition and removal of buildings and structures.	Specialty Demolition Contractor	Provisional Specialty Demolition Contractor
Installation, alteration and repair of permanent signs.	Specialty Sign Contractor	Provisional Specialty Sign Contractor
Construction of sidewalks, driveways, curbs and gutters located in any city right-of-way.	Specialty Right-of-Way Concrete Contractor	Provisional Specialty Right-of-Way Concrete Contractor
Installation and repair of permanent in-ground or above-ground swimming pools as defined by city code.	Specialty Swimming Pool Contractor	Provisional Specialty Swimming Pool Contractor

**Sec. 8-173. Qualifications for building contractor license.**

In order to qualify for a building contractor license, an applicant building contractor shall designate a qualified individual who is both associated with the applicant as an owner, officer, director, or employee and active in the building decisions of the building contractor.

**Sec. 8-174. Qualified individual requirements.**

(a) An individual may qualify as a qualified individual by one of the following means:

- (1) **Testing.** Obtain the appropriate certificate of competence for the class of license being sought with a minimum score of 75% from a nationally-recognized testing institution as contemplated by K.S.A. 12-1556 (building and residential contractors), or the equivalent tests as administered by the International Code Council (referred to in the following Chart II as the “test”); or

- (2) **Related Degree.** Hold a bachelor's degree in engineering, architecture, construction management or construction science from an accredited college or university (referred to in the following Chart II as the "related degree"); or
  - (3) **Class D – Experience.** In the case of the Class D – Contractor/Owner licensing classification only - Be registered with the City of Salina as a contractor for the two (2) consecutive years prior to application and by successfully completing a project requiring an occupancy permit issued by the City of Salina during that two (2) year period.
- (b) The designated qualified individual shall:
- (1) Be the legal representative for the licensee relative to the provisions of this Article;
  - (2) Satisfy the requirements of this Article; and
  - (3) Not be the qualified individual for more than one licensee, but may be the designated qualified individual for multiple building contractor licenses for the same licensee only.

**Sec. 8-175. Continuing education requirements for certain qualified individuals.**

A qualified individual for Class A, B and C general contractor and Class D contractor/owner licenses shall be required to complete six (6) hours of continuing education courses related to the building trades per calendar year. The building official shall promulgate the regulations necessary to administer compliance with this continuing education requirement.

**Sec. 8-175.1. Chart II – Requirements of Qualified Individuals.**

The following Chart II summarizes by category of building contractor license listed in Column A both the requirements for qualification as a qualified individual in Column B and the corresponding continuing education requirements in Column C.

**Chart II**  
**Requirements of Qualified Individuals**

<b>Column A - Contractor Categories</b>	<b>Column B - Requirements of Qualified Individuals</b>	<b>Column C -Continuing Education Requirements</b>
Class A - General Contractor	Test or related degree	6 hours per year
Class B - General Contractor	Test or related degree	6 hours per year
Class C - General Contractor	Test or related degree	6 hours per year
Class D - Contractor/Owner	Must be registered with the City of Salina as a contractor for the 2 consecutive years prior to application and by successfully completing a project requiring a City of Salina occupancy permit issued within those 2 years.	6 hours per year
Specialty Concrete Contractor	Test or related degree	None
Specialty Framer or Erector Contractor	Test or related degree	None
Specialty Roofing Contractor	Test or related degree	None
Specialty Masonry Contractor	Test or related degree	None
Specialty Fire Sprinkler Contractor	Test or related degree	None
Specialty Fire Alarm and Communication Contractor	Test or related degree	None
Specialty Demolition Contractor	Test or related degree	None
Specialty Sign Contractor	Test or related degree	None
Specialty Right-of-Way Concrete Contractor	Test or related degree	None
Specialty Swimming Pool Contractor	Test or related degree	None

**Sec. 8-176. Change in status of qualified individual for a licensed building contractor.**

If the designated qualified individual for a building contractor licensee becomes no longer associated with the licensee for any reason (the “date of disassociation”), the licensee shall immediately notify the city clerk in writing of the date of disassociation and another qualified individual must be designated within thirty days after the date of disassociation. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new qualifying individual has been designated. If a qualified individual is not designated within thirty days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a qualified individual has been designated.

**Sec. 8-177. Qualifications for provisional building contractor license.**

(a) In recognition of the experience-based qualifications of currently registered building contractors, until August 1, 2007, a registered building contractor may qualify once for a provisional building contractor license for no more than one (1), non-renewable term to expire December 31, 2010. In order to qualify for a provisional building contractor license, an applicant building contractor shall designate a qualified individual who is both associated with the applicant as an owner, officer, director, or employee and active in the building decisions of the building contractor.

(b) The requirements for issuance of a provisional building contractor license, as summarized on the following Chart III, are:

- (1) The applicant for a Class A license shall have been registered as a contractor with the City of Salina for not less than five (5) years and within the previous three (3) years must have obtained three (3) building permits from the City of Salina for the type of work within the license classification for which the provisional license is sought;
- (2) The applicant for a Class B license shall have been registered as a contractor with the City of Salina for not less than three (3) years and within the previous three (3) years must have obtained three (3) building permits from the City of Salina for the type of work within the license classification for which the provisional license is sought;
- (3) The applicant for a Class C license shall have been registered as a contractor with the City of Salina for not less than two (2) years and within the previous two (2) years

must have obtained two (2) building permits from the City of Salina for the type of work within the license classification for which the provisional license is sought; and

- (4) The applicant for a specialty contractor license shall have been registered as a contractor with the City of Salina for not less than two (2) years and within the previous two (2) years must have completed three (3) jobs of the type of work within the license classification for which the provisional license is sought.

(c) In lieu of the requirements set forth in (1)-(4) above, the applicant may submit evidence to the Building Official which demonstrates equivalent full-time experience in planning, supervising, and undertaking the type of construction for the classification for which licensure is being sought. Denials of license approval by the Building Official may be appealed to the Building Advisory Board.

**Sec. 8-178. Designated qualified individual for provisionally licensed building contractor.**

The designated qualified individual for a provisionally licensed building contractor shall:

- (1) Be the legal representative for the licensee relative to the provisions of this Article;
- (2) Satisfy the requirements of this Article; and
- (3) Not be the provisionally qualified individual for more than one licensee, but may be the designated qualified individual for multiple provisional building contractor licenses for the same licensee only.

**Sec. 8-179. Status of provisional building contractor and qualified individual.**

(a) The provisional building contractor license holder shall have all rights and responsibilities of a building contractor license holder of the same classification for so long as the provisional building contractor license remains in effect.

(b) If the originally designated qualified individual for a provisional building contractor licensee becomes no longer associated with the licensee for any reason (the “date of disassociation”) the provisional building contractor license shall terminate and be of no further force or effect. The licensee shall immediately notify the city clerk in writing of the date of disassociation. The licensee shall not be allowed to substitute any other person as the designated qualified individual unless that individual is qualified in accordance with Section 8-175.1. No further permits or inspections shall be granted to the licensee from the date of disassociation until the licensee has designated a qualified individual in accordance with Section 8-173. If the licensee has not designated a qualified individual in accordance with Section 8-173 within thirty days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until the licensee has designated a qualified individual in accordance with Section 8-173.

**Sec. 8-180. Conversion of provisional building contractor license to building contractor license.**

The holder of a provisional building contractor license shall qualify for a building contractor license of the same classification if the qualified individual originally designated by the provisionally licensed building contractor completes the number of hours of continuing education related to the license classification as outlined in the following Chart III at any time during the term of the provisional license. The building official shall promulgate the regulations necessary to administer compliance with those continuing education requirements.

**Sec. 8-181. Change in status of designated qualified individual.**

If the originally designated qualified individual who completed the continuing education requirements to qualify the provisional licensee as a licensed building contractor becomes no longer associated with the business entity for any reason (the “date of disassociation”), the same rules shall apply to that licensee as apply to any other building contractor licensee under Section 8-176.

**Sec. 8-182. Chart III – Requirements for provisional license and conversion to license.**

The following Chart III summarizes by category of building contractor license listed in Column A both the requirements for a provisional license in Column B and the continuing education required to convert a provisional building contractor license to the same category of building contractor license.

**Chart III**  
**Requirements for Provisional License and Conversion to Regular License**

<b>Column A - Contractor Categories</b>	<b>Column B - Requirements for Provisional License</b>	<b>Column C - Continuing Education required of qualified individual to convert provisional license to same category of building contractor license</b>
Class A - General Contractor	Registered contractor 5 years, 3 permits within 3 previous years	36 hours in 3 years
Class B - General Contractor	Registered contractor 3 years, 3 permits within 3 previous years	36 hours in 3 years
Class C - General Contractor	Registered contractor 2 years, 2 permits within 2 previous years	36 hours in 3 years
Class D - Contractor/Owner	N/A	N/A
Specialty Concrete Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Framer or Erector Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Roofing Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Masonry Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Fire Sprinkler Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Fire Alarm and Communication Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Demolition Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Sign Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Right-of-Way Concrete Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years
Specialty Swimming Pool Contractor	Currently registered with 2 years experience and 3 jobs completed	9 hours in 3 years

**Sec. 8-183. Exemptions from building contractor licensing requirements.**

The following work shall be exempt from the building contractor licensing requirements:

**Owner's exemption for obtaining permits and performing work on owner's dwelling**

- (1) Permits obtained and work performed by an owner of a single-family dwelling being constructed or occupied as the exclusive dwelling of the owner or the portion of a single family attached dwelling being occupied as the exclusive dwelling of the owner, including the usual accessory buildings thereto, when the owner personally purchases and installs all material used in the construction, and adheres to all other portions of this chapter. This exemption shall not apply if any owner of the dwelling has any open permits issued under this exemption for a different address or has been issued a certificate of occupancy for any building permit issued under this exemption for a different address within the preceding 12 months.
- (2) A property owner or property owner's designated agent who does not possess a building contractor's license may obtain a building permit; provided, that before such permit is issued, the applicant must furnish the name and license number of the licensed building contractor who will serve as the general contractor to satisfy the requirements of this Article.

**Owner's exemption for obtaining permits for work to be performed by a general contractor**

- (3) For buildings and structures other than those identified in exception (1), a property owner or the property owner's designated agent may apply for and obtain a building permit; provided, that before such permit is issued the applicant must furnish the name and license number of the licensed building contractor who will act as the general contractor to satisfy the requirements of this Article. Should the designated contractor change during the course of construction, the owner or the owner's designated agent shall immediately notify the Building Official in writing, and the building permit shall be suspended until a new licensed building contractor is designated by the owner or the owner's agent.

**Exemptions from Building Contractor's License requirement**

- (4) Work performed by an owner or the owner's employee(s) on the owner's property, when:
  - a. the work performed does not require a permit; or
  - b. the work consists of demolition of accessory structures that are governed by the International Residential Code.
- (5) Work performed on any property owned by the State of Kansas or the federal government.
- (6) Work performed by a licensed skilled trade contractor when performing any work within the scope of their license as defined in this Article.
- (7) Work performed by any person who has a valid mobile home craftsman license issued by the City of Salina while performing repairs or replacements to the systems located within a mobile home under the provisions of Article IV of Chapter 22.

**DIVISION 3. Skilled Trade Contractor License Required.**

**Sec. 8-184. Skilled trade contracting license required.**

It shall be unlawful for any person to either perform, cause to perform, or obtain permits for solid-fuel appliance installations, electrical work, plumbing work or HVAC mechanical work, unless such person has been licensed by the City of Salina as a skilled trade contractor for the type of work being done, subject to the exemptions set forth in Section 8-191.

**Sec. 8-185. Qualifications for skilled trade contractor license.**

- (a) In order to qualify for an electrical, plumbing or mechanical contractor license, an applicant shall designate an individual certified as a master by the City of Salina in the trade for which licensing is sought who is associated with the applicant as an owner, officer, director or employee in its full-time employment at all times. In order to qualify for a solid-fuel appliance installation contractor license, an applicant shall be an installer licensed by the City of Salina as a solid-fuel



appliance installer or have in its full-time employment at all times an installer licensed by the City of Salina as a solid-fuel appliance installer.

(b) The designated master or installer shall:

- (1) Be the legal representative for the business entity relative to the provisions of this Article:
- (2) Satisfy the requirements of this Article: and
- (3) Not be a master or installer for more than one business entity.

**Section 8-185.1. Change in status of designated master or installer.**

When the designated master or installer becomes no longer associated with or employed on a full-time basis by the licensee for any reason (the “date of disassociation”), the licensed skilled trade contractor shall immediately notify the city clerk in writing of the date of disassociation and another designated master or installer must be designated within thirty days. No further permits or inspections shall be granted to the licensee from the date of disassociation until a new designated master or installer has been designated. If a designated master or installer is not designated within thirty days after the date of disassociation, work on all permits previously issued to the licensee shall be suspended until a new designated master or installer has been designated.

**Sec. 8-186. Trade license required.**

It is shall be unlawful for any individual to engage in the trade or otherwise perform plumbing work, electrical work or HVAC mechanical work as defined in section 8-171 within or on any building or premises within the city without first having secured a master, journeyman or apprentice license for the trade at which they are laboring and being in the employment of a licensed skilled trade contractor. It shall further be unlawful for any individual to engage in the trade or otherwise perform any installations of solid-fuel appliances without first having secured a solid-fuel installers license or apprentice license.

**Sec. 8-187. Classification of trade licenses.**

Trade licenses shall be classified as follows:

*Master.* A master shall provide written certification of passage of the standard trade exam for Master as prescribed by the State of Kansas with a minimum score of 75%. A master electrician must certify a minimum of six (6) years of field experience a master plumber or mechanic must certify a minimum of four (4) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, supervise or direct, under the direct supervision of a person holding a valid journeyman or master certificate.

*Journeyman.* A journeyman shall provide written certification of passage of the standard trade exam for journeyman as prescribed by the State of Kansas with a minimum score of 75%. A journeyman electrician must certify a minimum of four (4) years of field experience and a journeyman plumber or mechanic must certify a minimum of two (2) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, under the direct supervision of a person holding a valid journeyman or master certificate.

*Solid-fuel appliance installer.* A solid-fuel appliance installer shall provide written certification of passage of the Woodburning Specialist and the Pellet Specialist examinations administered by the National Fireplace Institute or any other approved fireplace hearth certification test developed by an independent and nationally recognized testing organization or educational institute approved by the department in order to be licensed.

*Apprentice.* Any person earning his livelihood as a solid-fuel appliance installer, plumber, electrician, or HVAC mechanic but who has not acquired the necessary longevity of experience to be eligible to become a journeyman, or who with the necessary longevity of experience has not passed the required journeyman or solid-fuel appliance installer examination, is hereby classified as an apprentice. An apprentice shall not labor at the trade in which they are apprenticing except when under the immediate supervision and direction of a licensed journeyman or master, properly licensed by the City of Salina. Effective March 1, 2008, one (1) certified journeyman or master shall directly supervise no more than three (3) apprentices at a time. Apprentices shall be directly supervised by the presence of the requisite number of journeymen or masters on the job at all times, except that apprentices performing service work for which no permit is required need not be accompanied by a journeyman or master. No person who has had his license revoked for cause shall be allowed to work as an apprentice.

**Sec. 8-188. Qualifications for examination.**

Application for examination for skilled trade licensing shall contain an affidavit verifying the following experience requirements:

- (1) Master. An applicant for the master electrician examination must certify a minimum of six (6) years of field experience and an applicant for the master plumbing or mechanical examination must certify a minimum of four (4) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, supervise or direct, under the direct supervision of a person holding a valid journeyman or master certificate. Satisfactory completion of 240 hours of classroom training in the trade for which licensing is sought at an accredited trade school and three (3) years practical experience may be accepted in lieu of the foregoing requirements.
- (2) Journeyman. An applicant for the journeyman electrician examination must certify a minimum of four (4) years of field experience and an applicant for the journeyman plumbing or mechanical examination must certify a minimum of two (2) years of field experience in the trade for which they seek licensure, doing the type of work they will be required to perform, under the direct supervision of a person holding a valid journeyman or master certificate. Satisfactory completion of 240 hours of classroom training in the trade for which licensing is sought at an accredited trade school and one (1) year practical experience may be accepted in lieu of the foregoing requirements.

**Sec. 8-189. Continuing education requirements.**

Applicants for renewal of journeyman or master skilled trade licenses for plumbing, electrical or mechanical must verify completion of a minimum number of continuing education hours related to the applicable skilled trade, as follows:

- (1) 12 hours for renewal of a license prior to December 31, 2007
- (2) 18 hours for a renewal of a license thereafter

The building official shall promulgate the regulations necessary to administer compliance with this continuing education requirement.

**Sec. 8-190. Grandfathered skilled trade licenses.**

A trade license issued by the City based on any test or criteria other than passage of the standard trade exam prescribed by the State of Kansas shall remain valid and in good standing until it expires or is revoked for cause. Upon expiration or revocation, the licensee must apply for a new license based on passage of the standard trade exam in order to continue to labor at the trade for which they seek licensure.

**Sec. 8-191. Exemptions from skilled trade contracting or trade licensing.**

The following work shall be exempt from the skilled trade contracting or trade licensing requirements:

- (1) Work performed by any person working in or upon any building or premises owned and occupied by an agency of the state or federal government.
- (2) Work performed by any person working upon a public utility system owned by a public utility franchised by the City of Salina.
- (3) Work performed by any person employed by the water and sewerage department of the City of Salina in relation to operation and maintenance of the City-owned water and sewer distribution, collection & treatment systems.
- (4) Work performed by an owner of a single-family dwelling being constructed or occupied as the exclusive dwelling of the owner or the portion of a single family attached dwelling being occupied as the exclusive dwelling of the owner, including the usual accessory buildings thereto when the owner personally purchases and installs all material used in the construction, and adheres to all other portions of this chapter. This exemption shall not apply if any owner of the dwelling has any open permits issued under this exemption for a different address or has been issued a certificate of occupancy for any building permit issued under this exemption for a different address within the preceding 12 months.
- (5) Work performed by an owner or the owner's employee(s) on the owner's property, when the work performed does not require a permit.

- (6) Persons who own or are regularly employed by the property owner are exempt from the licensing requirement when they are performing work on the property that is exempt from the requirements for a permit. An appropriate license is required for all work that requires a permit.
- (7) Work performed by any person who has a valid mobile home craftsman license issued by the City of Salina while performing repairs or replacements to the systems located within a mobile home under the provisions of Article IV of Chapter 22.
- (8) Work performed by any person or business entity installing private sewer mains or private water mains provided a supervising employee that has passed the Underground Utilities 331 test as given by Block and Associates, Experior or other testing agencies approved by the Building Advisory Board is on the job site at all times; such person or business entity is licensed as a Utility Contractor; and is insured to provide coverage in the same amounts as a plumbing contractor.

## **DIVISION 4. REGISTERED TRADESMAN**

### **Sec. 8-192. Registration required.**

It shall be unlawful for any person to install, repair, or otherwise perform work for hire relating to the following:

- (1) windows, doors and siding
- (2) insulation
- (3) drywall or sheetrock
- (4) ceiling
- (5) millwork
- (6) painting
- (7) floor covering
- (8) moving a building or structure

in the city, or cause the same to be done, unless such person holds any classification of building contractor license or has been validly registered with the city as a registered tradesman to perform such work, subject to the same exemptions applicable to the building contractor license requirements set forth in Sec 8-183. In extending the rights and privileges of registration, the city makes no statement of the technical competency of the registrant.

## **DIVISION 5. General License and Registration Requirements**

### **Sec. 8-193. Application for licensing or registration.**

An applicant for a building contractor license, a provisional building contractor license, a skilled trade license, or a tradesman registration pursuant to this Article shall be subject to the provisions of this Division and shall complete and submit an application form available from the city clerk's office. The application shall be accompanied by proof that the applicant is currently insured to meet the requirements of Section 8-195.

### **Sec. 8-194. Application for examination.**

Application for any testing associated with licensing shall be made to the Building Services Department.

### **Sec. 8-195. Insurance requirements for contractor licensing and tradesman registration.**

Each licensee or registrant shall procure and maintain in full force, for the duration of the license or registration, public liability insurance, with limits of not less than the Kansas Tort Claims Act maximum liability (currently \$500,000). Each licensee or registrant shall also procure and maintain in full force, for the duration of the license, workers compensation insurance as required by the State of Kansas. Proof of coverage for all required insurance policies shall be on file with the City of Salina at all times. Each insurance policy shall contain a clause to the effect that the policy shall not at any time during the license or registration period be canceled or reduced, restricted or limited, unless the city clerk's office is given ten (10) days written notice.

**Sec. 8-196. No revocations or pending suspensions.**

No license or registration shall be issued to any individual or business entity if the individual, the business entity, or an owner of more than a twenty-five percent 25% interest in the business entity has been issued any classification of building contractor license, skilled trades license, or tradesman registration by the City of Salina or any other licensing jurisdiction within the United States and such license or registration is either under an active suspension or was revoked within five years prior to the date of application for licensing or registration by the City of Salina.

**Sec. 8-197. Fee.**

The license or registration fees and renewal fees shall be paid to the city clerk. All fees shall be as prescribed in section 2-2.

**Sec. 8-198. Expiration and renewal.**

Unless renewed, each license or registration shall expire on the 31st day of December of the third calendar year regardless of when the license or registration was issued. In the case of any license subject to a continuing education requirement, a new license shall not be issued to a person who was the holder of an expired license until that person can verify completion of the continuing education that would have been required to renew the expired license. In the case of building contractor licenses, a new license shall not be issued to the licensee until the designated qualified individual can verify completion of the continuing education that would have been required to satisfy the requirements of Section 8-175.

**Sec. 8-199. Suspension of license or registration.**

(a) The city clerk may suspend any license or registration for the following reasons:

- (1) Failure to remit any required fees;
- (2) Failure to provide annual insurance certification;
- (3) Failure to maintain any required insurance; or
- (4) Whenever a permit or inspection fee is required by this chapter, and the fee is not paid on or before the tenth of the month following the issuance of a permit or the making of the inspection, the license or registration of the person liable for the fee shall be suspended until such time as the fee is paid.

(b) The city clerk may suspend a plumbing, mechanical or electrical contractor license for failure to maintain a designated master, or a solid-fuel appliance installation contractor license for failure to maintain a licensed solid-fuel appliance installer, or a building contractor license for failure to maintain a qualified party.

**Sec. 8-200. Deadline for renewal of license.**

No renewal license or registration will be issued to any licensee after January thirty-first. Renewal requests received after that date will be handled as an initial application.

**Sec. 8-200.1. License not transferable.**

No licensee or registrant shall allow his/her license or registration, by name or other identification, to be transferred, assigned, or used in any manner directly or indirectly, or for any purpose, by any other person.

**Sec. 8-200.2. Advertising limitations.**

No person shall advertise in any manner implying or stating that they will provide services for work that requires a license or use the title or designation of any licensee regulated herein, unless licensed under the provisions of this article. No person shall advertise in media outlets that are marketed to include Salina consumers for services for which the person or business is not licensed as required by the City of Salina to perform pursuant to this Article, without providing in the advertisement a disclaimer that discloses those services can not be rendered within the corporate city limits.

**Sec. 8-200.3. License or registration to be displayed.**

Each licensee or registrant must conspicuously post or display the license or registration in the public reception area of the licensee's or registrant's place of business. Any person performing work for which a skilled trade license is required shall have their license readily available at all times that work is being performed.

**Sec. 8-200.4. Discipline of licensees or registrants.**

(a) Any license or registration provided for in this article may be designated as under probationary status, suspended or revoked for cause by the city manager, the status of which shall be public information subject to public disclosure. Acts that may be deemed as sufficient cause for revocation or suspension of a license or registration may include but are not limited to the following:

- (1) Misrepresentation of a material fact in obtaining a license or registration;
- (2) Fraudulent use of a license or registration;
- (3) A willful violation or repeated violations of the technical codes and other related ordinances of the City of Salina, or failure to comply with any lawful order of the building official; or
- (4) Negligence in providing reasonable safety measures for the protection of workers and the public.

(b) Each licensee or registrant shall be held responsible for the violation of these and other related regulations by the licensee or registrant, and by persons or subcontractors employed by the licensee or registrant. The building official shall notify the licensee or registrant in writing at any time the licensee or registrant is under consideration for probation, suspension or revocation. A date, no less than ten (10) days after notification is mailed, will be established for a hearing before the city manager at which the licensee or registrant may appear and be heard. The city manager shall provide, in writing, his decision regarding the status of the licensee or registrant.

(c) Appeal. Any probation, suspension or revocation of a license or registration may be appealed to the board of city commissioners by filing a notice of appeal with the city clerk's office within twenty days of the date of the city manager's written decision. The appeal shall be heard by the board of city commissioners at their next regularly scheduled meeting. Any decision of the board of city commissioners shall be subject to appeal pursuant to applicable state law."

**Section 2.** That the existing Article III of Chapter 8 of the Salina Code is hereby repealed, with the exception of existing Section 8-171 which shall remain in full force and effect until August 1, 2007.

**Section 3.** That all persons seeking a building contractor license or a provisional building contractor license under Article III of Chapter 8 of the Salina Code as amended by this ordinance shall have a compliance period from the May 1, 2007 effective date of this ordinance until August 1, 2007.

**Section 4.** Any contractor registered with the City of Salina as of the May 1, 2007 effective date of this ordinance shall be permitted to complete work under any building permits applied for as of August 1, 2007, regardless of whether the registered contractor obtains a building contractor license or a provisional building contractor license under this ordinance.

**Section 5.** That this ordinance shall be published once in the official city newspaper and shall be in full force and effect from and after May 1, 2007, with the exception that newly stated Section 8-172 shall be in full force and effect as of August 1, 2007.